

Notice of Allowability

Application No.

10/774,368

Examiner

MARY STEELMAN

Applicant(s)

PENSAK ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/31/2007.
2. ☒ The allowed claim(s) is/are 26-34 & 36-49 (to be renumbered in order).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. This Office Action is in response to RCE, Claim Amendments, and Remarks received 10/31/2007. Per Applicant's request, claims 1-25 have been cancelled. New claims 26-49 have been added. Claims 26-49 are pending.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kathryn Chelini, Reg. No. 52,723 on 11/26/2007.

3. The application has been amended as follows:

Claim 35 is cancelled. The limitations of claim 35 are incorporated into claim 32 as follows:

IN THE CLAIMS

32. (Currently Amended) A process for executing an application computer program defining a plurality of subsections, said application computer program configured to run under the control of an operating system and incorporating an execution controller computer program, said process steps comprising:

substituting an operating system instruction that causes an interrupt for one or more bytes of at least one subsection;

launching the application computer program;

launching the execution controller computer program, where the execution controller computer program is launched by the application computer program;

attaching the execution controller computer program to the application computer program using the operating system debugger interface; and

executing the application computer program until an operating system instruction that causes an interrupt is encountered;

after an operating system instruction that causes an interrupt is encountered, restoring the operating system instruction that causes an interrupt with the substituted bytes; and

resuming execution of the application computer program, starting at the restored bytes.

Claim 35 (Cancelled).

Allowable Subject Matter

4. Claims 26-31 & 33-49 (to be renumbered in order) are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding independent claims 26, 32, and 44, as noted by Applicant (Remarks, 10/31/2007, page 8, Section A), Horning does not disclose "adding an execution controller computer program into the application computer program; where the execution controller computer program is configured to be launched by the application computer program, and where the execution controller computer program, once launched, uses an operating system debugger interface to attach the execution controller computer program to the application computer program and restores the operating system instruction that causes an interrupt with the substituted bytes"

when taken in combination with the claimed limitations as a whole ("substituting an operating system instruction that causes an interrupt for one or more bytes of at least one subsection").

Moreover, evidence for modifying the prior art teaching by one of ordinary skill level in the art was not uncovered so as to result in the invention.

Thus, all remaining dependent claims, claims 27-31, 33, 34, 36-43, and 45-49, are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

An update search produced the following related patents:

USPN 5,978,902 to Mann

Mann disclosed an executing application using a debug interface, allowing the processor to concurrently run kernel and application programs. Mann failed to disclose "a plurality of subsections having boundaries" and "substituting an operating system instruction that causes an interrupt for one or more bytes of a at least one subsection...and restores the operating system instruction that causes an interrupt with the substituted bytes."

USPN 6,742,177 B1 to Dorak, Jr. et al

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Dorak disclosed tamper resistant software modules, a debugger application, and client / server socket service. Dorak failed to disclose, “a plurality of subsections having boundaries” and “substituting an operating system instruction that causes an interrupt for one or more bytes of a at least one subsection...and restores the operating system instruction that causes an interrupt with the substituted bytes.”

USPN 6,839,654 B2 to Rollig et al.

Rollig disclosed a debug interface that monitors the internal states of an event timer. The functionality is built into the debug interface, which triggers upon the occurrence of a programmed internal event. Rollig failed to disclose, “a plurality of subsections having boundaries” and “substituting an operating system instruction that causes an interrupt for one or more bytes of a at least one subsection...and restores the operating system instruction that causes an interrupt with the substituted bytes.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Steelman, whose telephone number is (571) 272-3704. The examiner can normally be reached Monday through Thursday, from 7:00 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Wei Zhen can be reached at (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned: 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mary Steelman

11/26/2007

MARY STEELMAN
PRIMARY EXAMINER
